

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICHAEL LEE ROSE, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 06-370-JJF
 :
 FIRST CORRECTIONAL MEDICAL, :
 et al., :
 :
 Defendants. :
 :

ORDER

WHEREAS, on November 29, 2006, Plaintiff filed a Declaration for Default Judgment as to First Correctional Medical (D.I. 24) which was construed as a Motion for Default Judgment;

WHEREAS, Plaintiff's Declaration for Default Judgment did not include a Certificate of Service upon Defendant as required by Fed. R. Civ. P. 5(d);

WHEREAS, Fed. R. Civ. P. 55(a) allows entry of default when a party has failed to plead or otherwise defend against Plaintiff's claims;

WHEREAS, on December 1, 2006, Defendant, First Correctional Medical filed a Motion to Dismiss (D.I. 27);

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion for Default Judgment against First Correctional Medical (D.I. 24) is **DENIED**.

February 15, 2007


UNITED STATES DISTRICT JUDGE